

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:11-CV-44-RJC

TERRENCE WRIGHT EL,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
JUDGE U. DOWNS, GRAHAM)	
COUNTY CLERK, STATE OF NORTH)	
CAROLINA)	
)	
Defendant.)	
)	

THIS MATTER comes before the Court on initial review of Plaintiff's pro se Complaint filed on October 24, 2011, pursuant to 42 U.S.C. § 1983, (Doc. No. 1).

The Prisoner Litigation Reform Act ("PLRA") makes clear that "[i]n no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). This subsection is known as the "three strikes" provision of the PLRA.

Court records indicate that Plaintiff has filed at least five lawsuits in this Court¹ that were dismissed for failure to state a claim for relief. Further, Plaintiff has not demonstrated that he is

¹ See Wright v. Graham Cnty. Sheriff's Dep't, et al., No. 2:96-cv-251; Wright v. Crisp et al., No. 2:97-cv-18; Wright v. Crisp, No. 2:97-cv-30; Wright v. Wikes, No. 2:97-cv-44; Anderson-Bey, et al. v. North Carolina, et al., No. 2:08-cv-21.

under imminent danger of serious physical injury. Therefore, his Complaint must be dismissed without prejudice.

IT IS, THEREFORE, ORDERED that:

- (1) Plaintiff's Complaint is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(g);
- (2) Plaintiff's Application to Proceed *In Forma Pauperis* is **DENIED**;
- (3) The Clerk is directed to send a copy of this Order to the pro se Plaintiff.

Signed: October 28, 2011



Robert J. Conrad, Jr.
Chief United States District Judge 